

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: W.R. GRACE & CO., et al., Debtors.	§ § § § § §	Chapter 11 Jointly Administered Case No. 01-01139 (JKF)
--	--	--

**FEE AUDITOR'S FINAL REPORT REGARDING
FEE APPLICATION OF BUCHANAN INGERSOLL & ROONEY PC
FOR THE THIRTY-THIRD INTERIM PERIOD**

This is the final report of Warren H. Smith & Associates, P.C., acting in its capacity as fee auditor in the above-captioned bankruptcy proceedings, regarding the Quarterly Fee Application of Buchanan Ingersoll & Rooney PC for the Thirty-Third Interim Period (the "Application").

BACKGROUND

1. Buchanan Ingersoll & Rooney PC ("Buchanan") was retained as co-counsel to the Official Committee of Equity Holders. In the Application, Buchanan seeks approval of fees totaling \$47,075.00 and expenses totaling \$187.50 for its services from April 1, 2009 through June 30, 2009 (the "Application Period").

2. In conducting this audit and reaching the conclusions and recommendations contained herein, we reviewed in detail the Application in its entirety, including each of the time and expense entries included in the exhibits to the Application, for compliance with 11 U.S.C. § 330, Local Rule 2016-2 of the Local Rules of the United States Bankruptcy Court for the District of Delaware, Amended Effective February 1, 2009, and the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330,

Issued January 30, 1996 (the "Guidelines"), as well as for consistency with precedent established in the United States Bankruptcy Court for the District of Delaware, the United States District Court for the District of Delaware, and the Third Circuit Court of Appeals. Based upon our review, we had questions for Buchanan, which we e-mailed to Buchanan, and we received a response from Buchanan, portions of which response are quoted herein.

DISCUSSION

3. We noted that during April 2009, paralegal Melissa N. Flores billed 10.50 hours on the Case Administration project category at a rate of \$199.05 per hour. Elsewhere in the Application, however, Ms. Flores' time was billed at \$190.00 per hour. Thus, we asked Buchanan if the \$199.05 hourly rate was a mistake, and Buchanan responded that the time should have been billed at \$190.00 per hour. We appreciate Buchanan's response and recommend the time in question be reduced to \$190.00 per hour, for a reduction of \$95.02 in fees.

4. We noted the following set of identical time entries:

04/20/09	MNF	Reviewed all ECF filings in the case as part of docket control; review all agenda and notices of agenda to prepare for hearings; reviewed and calendar all objections and hearing dates.	.50
04/20/09	MNF	Reviewed all ECF filings in the case as part of docket control; review all agenda and notices of agenda to prepare for hearings; reviewed and calendar all objections and hearing dates.	.50

We asked Buchanan whether either of these time entries were duplicates, and Buchanan responded:

Mary Caloway at Buchanan has confirmed that those two entries are duplicates, and she agrees to the reduction entailed by removing one.

We appreciate Buchanan's response and, accordingly, recommend a reduction of \$95.00¹ in fees.


¹\$190.00 hourly rate × .5 hours = \$95.00.

CONCLUSION

5. Thus, we recommend approval of \$46,884.98 in fees (\$47,075.00 minus \$190.02) and \$187.50 in expenses for Buchanan's services for the Application Period.

Respectfully submitted,

WARREN H. SMITH & ASSOCIATES, P.C.

By: 
Warren H. Smith
Texas State Bar No. 18757050

Republic Center
325 N. St. Paul Street, Suite 1250
Dallas, Texas 75201
214-698-3868
214-722-0081 (fax)
whsmith@whsmithlaw.com

FEE AUDITOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served by First Class United States mail to the attached service list on this 24th day of November, 2009.



Warren H. Smith

SERVICE LIST

Notice Parties

The Applicant

Mary Caloway
Buchanan Ingersoll & Rooney PC
1000 West Street, Suite 1410
Wilmington, DE 19801

Teresa K.D. Currier
Saul Ewing LLP
222 Delaware Avenue
P. O. Box 1266
Wilmington, DE 19899

The Debtors

David B. Siegel, Esq.
Sr. V.P. and Gen. Counsel
W.R. Grace & Co.
7500 Grace Drive
Columbia, MD 21044

Counsel for the Debtors

James H.M. Sprayregen, Esq.
David M. Bernick, P.C.
Deanna Boll
Kirkland & Ellis
200 East Randolph Drive
Chicago, IL 60601

Laura Davis Jones, Esq.
James R. O'Neill
Pachulski, Stang, Ziehl & Jones LLP
919 North Market Street, 17th Floor
P.O. Box 8705
Wilmington, DE 19899-8705

Counsel for the Official Committee of Unsecured Creditors

Lewis Kruger, Esq
Stroock & Stroock & Lavan
180 Maiden Lane
New York, NY 10038-4982

Michael R. Lastowski, Esq.
Duane Morris LLP
1100 N. Market Street, Suite 1200
Wilmington, De 19801-1246

Counsel to the Official Committee of Property Damage Claimants

Scott L. Baena, Esq
Bilzin, Sumberg, Dunn, Baena, Price & Axelrod
First Union Financial Center
200 South Biscayne Boulevard, Suite 2500
Miami, FL 33131

Michael B. Joseph, Esq.
Ferry & Joseph, P.A.
824 Market Street, Suite 904
P.O. Box 1351
Wilmington, DE 19899

Counsel to the Official Committee of Personal Injury Claimants

Elihu Inselbuch, Esq.
Caplin & Drysdale
375 Park Avenue, 35th Floor
New York, NY 10152-3500

Marla R. Eskin
Campbell & Levine, LLC
Suite 300
800 N. King Street
Wilmington, DE 19801

Official Committee of Equity Holders

Gary M. Becker
Kramer Levin Naftalis & Frankel
1177 Avenue of the Americas
New York, NY 10036

United States Trustee

David Klauder
Office of the United States Trustee
844 King Street, Suite 2311
Wilmington, DE 19801